

1 James W. Hunt, SBN 122582
Stephanie B. Gonzalez, SBN 252603
2 **FITZPATRICK & HUNT,**
3 **PAGANO, AUBERT, LLP**
633 West Fifth Street, 60th Floor
Los Angeles, CA 90071
4 Tel.: (213) 873-2100 / Fax: (213) 873-2125
james.hunt@fitzhunt.com
5 stephanie.gonzalez@fitzhunt.com

6 **Rudolph V. Pino, Jr.**
Thomas E. Healy
7 **FITZPATRICK & HUNT,**
8 **PAGANO, AUBERT, LLP**
50 Main Street, 16th Floor
White Plains, New York 10606
9 Tel.: (914) 946-0600 / Fax: (914) 946-0650
rudolph.pino@fitzhunt.com
10 thomas.healy@fitzhunt.com

11 Attorneys for Defendants
DE'LONGHI AMERICA, INC.
12 and DE'LONGHI S.P.A.

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 PATRICK FERRY, individually and as
16 successor and executor to the Estate of Randy
17 Sapp; BRENDA GONZALES; LOLA HIBBS;
18 LARRY SAPP; DON SAPP; SHARON
CORNELIUS,

19 Plaintiffs,

20 vs.

21 DE LONGHI AMERICA INC.; DELONGHI
22 S.P.A.; UTAC AMERICA, INC.; WAL-MART
STORES, INC.; and DOES 1 to 100, inclusive,

23 Defendants.

Case No. 16-CV-659-SBA (JCS)

Judge Sandra Brown Armstrong

STIPULATION AND ~~(PROPOSED)~~
ORDER RE APPLICATION FOR
EXTENSION OF TIME TO MEET AND
CONFER ON PLAINTIFFS' MOTION
TO COMPEL

24
25 Lead counsel for Defendants DE'LONGHI AMERICA, INC. and DE'LONGHI S.P.A.,
26 Rudolph V. Pino, Jr., hereby respectfully requests an Order extending the time for DE'LONGHI
27 AMERICA, INC. and DE'LONGHI S.P.A. to meet and confer with counsel for the Plaintiffs on
28

STIPULATION AND (PROPOSED) ORDER RE APPLICATION FOR EXTENSION OF TIME TO MEET AND
CONFER ON PLAINTIFFS' MOTION TO COMPEL

1 the Plaintiffs' Motion To Compel to January 20, 2017 and permission for Thomas E. Healy to
2 attend a meet and confer conference during the morning of January 20, 2017. As grounds for this
3 Stipulation, Rudolph V. Pino, Jr., states the following:

4
5 1. By way of an Order dated January 6, 2016, your Honor directed all parties to meet
6 and confer with respect to the Plaintiffs' Motion To Compel on or before January 13, 2017.

7 2. The parties are scheduled to complete the depositions of eight non-party witnesses
8 in San Francisco, California, during January 16 – 20, 2017, and Plaintiff SHARON CORNELIUS
9 in Auburn, Washington on January 23, 2017. Thomas E. Healy will be handling these depositions
10 on behalf of our office which is based in White Plains, New York.

11
12 3. Mr. Healy has handled the discovery and the majority of the depositions thus far
13 on behalf of our office. He is fully knowledgeable as to all aspects of the proceeding and will be
14 co-counsel at the time of trial. Mr. Healy is authorized to make decisions concerning discovery
15 issues on behalf of the De'Longhi Defendants.

16
17 4. I also will be on vacation in Australia from January 13, 2017 through January 28,
18 2017.

19 5. Since I will be on vacation and Mr. Healy will be San Francisco during January 16
20 – 20, 2017, I would respectfully request an extension of the time for DE'LONGHI AMERICA,
21 INC. and DE'LONGHI S.P.A. to meet and confer with counsel for the Plaintiffs on the Plaintiffs'
22 Motion To Compel to January 20, 2017 and permission for Mr. Healy to attend a meet and confer
23 conference during the morning of January 20, 2017.

24
25 6. We have discussed this application with counsel for the Plaintiffs, Walter A.
26 Haynes, IV, and he has indicated that he is available during the morning of January 20, 2017 and
27 will stipulate to this request under the circumstances.

28
STIPULATION AND (PROPOSED) ORDER RE APPLICATION FOR EXTENSION OF TIME TO MEET AND
CONFER ON PLAINTIFFS' MOTION TO COMPEL

1 7. There has been no prior request for an extension of the time to meet and confer
2 with respect to counsel for the Plaintiffs' Motion To Compel.

3 WHEREFORE Defendants DE'LONGHI AMERICA, INC. and DE'LONGHI S.P.A.
4 hereby respectfully request an Order extending the time for DE'LONGHI AMERICA, INC. and
5 DE'LONGHI S.P.A. to meet and confer with counsel for the Plaintiffs on the Plaintiffs' Motion
6 To Compel to January 20, 2017 and permission for Thomas E. Healy to attend a meet and confer
7 conference during the morning of January 20, 2017.

8 A proposed Order in the form of an endorsement of this Stipulation, in accordance with
9 USDC-NDCA Local Rule 7-12, is provided below.
10

11 Dated: January 10, 2017

FITZPATRICK & HUNT, PAGANO,
AUBERT, LLP

12 By: 
13

Rudolph V. Pino, Jr.
50 Main Street, 16th Floor
White Plains, New York 10606
Tel.: (914) 946-0600 / Fax: (914) 946-0650
Rudolph.pino@fitzhunt.com

14 and
15

16 James W. Hunt, SBN 122582
17 Stephanie B. Gonzalez, SBN 252603
18 FITZPATRICK & HUNT,
19 PAGANO, AUBERT, LLP
20 633 West Fifth Street, 60th Floor
21 Los Angeles, CA 90071
22 Tel.: (213) 873-2100 / Fax: (213) 873-2125
23 james.hunt@fitzhunt.com
24 stephanie.gonzalez@fitzhunt.com

25 Attorneys For Defendants De'Longhi America,
26 Inc. and De'Longhi S.p.A.
27

28 STIPULATION AND (PROPOSED) ORDER RE APPLICATION FOR EXTENSION OF TIME TO MEET AND
CONFER ON PLAINTIFFS' MOTION TO COMPEL

1 Dated: January 10, 2017

ALBERT G. STOLL, JR./ A LAW
CORPORATION

2
3
4 By: 

Walter A. Haynes, IV, Esq.

walter@stoll-law.com

55 Francisco Street 403

San Francisco, California 94133

Attorneys for Plaintiffs

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION AND (PROPOSED) ORDER RE APPLICATION FOR EXTENSION OF TIME TO MEET AND
CONFER ON PLAINTIFFS' MOTION TO COMPEL

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the time for Defendants DE'LONGHI AMERICA, INC. and DE'LONGHI S.P.A. to meet and confer with counsel for the Plaintiffs on the Plaintiffs' Motion To Compel is extended to January 20, 2017 and Thomas E. Healy is granted permission to attend a meet and confer conference during the morning of January 20, 2017.

Dated: January 12 2017

